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Security Council

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6079th meeting

Thursday, 5 February 2009, 10 a.m.

New York

President:	Mr. Takasu	(Japan)
Members:	Austria	Mr. Mayr-Harting
	Burkina Faso	Mr. Kafando
	China	Mr. Liu Zhenmin
	Costa Rica	Mr. Urbina
	Croatia	Mr. Vilović
	France	Mr. Lacroix
	Libyan Arab Jamahiriya	Mr. Dabbashi
	Mexico	Mr. Heller
	Russian Federation	Mr. Churkin
	Turkey	Mr. İlkin
	Uganda	Mr. Rugunda
	United Kingdom of Great Britain and Northern Ireland	Sir John Sawers
	United States of America	Ms. Rice
	Viet Nam	Mr. Le Luong Minh

Agenda

Reports of the Secretary-General on the Sudan

Report of the Secretary-General on the Sudan (S/2009/61)

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09-22822 (E)

The meeting was called to order at 10.10 a.m.

Expression of thanks to the retiring President

The President: As this is the first meeting of the Security Council for the month of February 2009, I should like to take this opportunity to pay tribute, on behalf of the Council, to His Excellency Mr. Jean-Maurice Ripert, Permanent Representative of France, for his service as President of the Security Council for the month of January 2009. I am sure I speak for all members of the Security Council in expressing our deepest appreciation to Ambassador Ripert and his team for the great diplomatic skill with which they conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan

Report of the Secretary-General on the Sudan (S/2009/61)

The President: In accordance with the understanding reached in the Council's prior consultations, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Ashraf Jehangir Qazi, Special Representative of the Secretary-General and head of the United Nations Mission in the Sudan.

It is so decided.

I invite Mr. Qazi to take a seat at the Council table and extend a warm welcome to him.

The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the Sudan, contained in document S/2009/61.

At this meeting, the Security Council will hear a briefing by Mr. Ashraf Jehangir Qazi, Special Representative of the Secretary-General and head of the United Nations Mission in the Sudan.

Mr. Qazi: I have the pleasure to introduce the latest report of the Secretary-General on the Sudan (S/2009/61) and I am grateful for the opportunity to brief the Council on the current situation in the Sudan.

The Comprehensive Peace Agreement (CPA) has reached a critical juncture with little over two years of the interim period remaining. The environment for these final two years is likely to be difficult and complex. The implementation of outstanding CPA provisions, which are mostly political in nature, will test the parties. The critical challenges that lie ahead include completing border demarcation, finalizing the redeployment of forces, census results, elections at several levels, and the disarmament, demobilization and reintegration (DDR) process. The Abyei Road Map agreement will need to be adhered to, including accepting the decision of the Permanent Court of Arbitration expected later this year. The provision of a peace dividend, especially in the South and the Three Areas, will be key, as will be stabilizing the security situation through the promotion of reconciliation and confidence-building measures, especially in hot spots along the North-South border areas.

Making unity attractive to the people of Southern Sudan, where a referendum on the issue is scheduled to be held in 2011, should remain the focus of the parties and the international community in the next two years. Preparations for a referendum that maintains peace and stability, whatever the decision of the people of Southern Sudan, and preparations for popular consultations in Southern Kordofan and Blue Nile States will need to commence immediately. For a peaceful referendum, an agreement on wealth and oil-revenue sharing for the post referendum period will be a prerequisite.

These challenges have to be met and surmounted within limited time and with the current situation in the Sudan marked by deepening political uncertainty and insufficient mutual trust among the parties to the CPA. This uncertainty has been exacerbated by the ongoing conflict in Darfur and the awaited International Criminal Court decision. As a result, despite the commitment of the National Congress Party and the Sudan People's Liberation Movement (SPLM) to CPA implementation, the Peace Agreement is vulnerable. Should, as a result, the CPA unravel, conflicts and instability in the Sudan are likely to escalate dramatically.

The humanitarian implications of a relapse into conflict and chaos throughout the Sudan are, to put it

mildly, sobering. The CPA is central. The CPA is fragile. That is the challenge facing the Sudan and the international community and, with all due respect, the Security Council today. Without any exaggeration, 2009 could be a make-or-break year for the CPA and for the prospect of peace in the Sudan.

The National Elections Commission (NEC) has been established, but it will take some time to reach full operational capacity. The Government will need to fund its operations adequately and in a timely manner, and the national legislature will need to provide an appropriate legal framework to ensure free and fair elections. The electoral division of the United Nations Mission in the Sudan (UNMIS) has begun to provide the NEC with information and materials to assist it in its work and anticipates receiving a letter of request from the NEC to provide further details on the assistance it will need. The scale of assistance, including training, logistical and technical support, will determine the staffing and funding requirements of the electoral division of UNMIS.

According to the CPA, elections are scheduled to take place by July of this year. But the long delays in the enactment of the electoral law and the establishment of the NEC, the time it will take for the NEC to reach operational capacity, the timelines established in the National Elections Act itself and the enormous amount of work to be done call into question the feasibility of that date. The two CPA parties, in consultation with the NEC, may need to review the feasibility of the dates established in the CPA. However, it is their decision.

From a political point of view, the overall security situation, especially in Darfur, delays in legislating an agreed legal framework, possible differences over the census results, and delays in border demarcation could affect the timing of the elections. Not least, the impact of an International Criminal Court decision will be a factor. Elections are essential to a democratic transformation process. However, adequate preparation and progress on other benchmarks are also essential to ensure that the election process does not lead to further polarization that would actually undermine the peaceful implementation of the CPA.

Similarly, border demarcation affects the implementation of the other outstanding benchmarks. Without border demarcation, the elections will be impeded and the referendum will not be possible. Moreover, redeployment will not be completed without an agreed border. Delay and deadlock will also generate additional tensions in an already volatile area. UNMIS has delivered satellite imagery to the Ad Hoc Technical Border Committee for the production of a digitized base map. This new input should enable the Committee to complete and submit its delayed technical report to the presidency. Just as with the census commission, it is important that the work of the Border Committee not be politicized. There will inevitably be political bargaining and adjustments once the technical report is submitted to the leadership of the North and the South. That is natural, but hopefully it will not result in deadlock. Meanwhile, UNMIS is ready to provide further technical support to the delineation and demarcation process. It is also ready to provide its good offices for addressing the various concerns of affected communities.

The situation in Abyei, after the brief flare-up of 12 December last year, remains calm but tense. An administration has been established, but it is still without funds and so unable to provide basic services. That, along with the uncertain security situation, has been a disincentive for the return of the internally displaced persons who were forced to flee their homes last May. There have, however, been some returns to the surrounding areas of Abyei town. UNMIS and the United Nations Development Programme recently organized a meeting of donor countries with the Abyei administration in which the administration presented its plans and needs, which a number of donor countries have indicated their willingness to fund. But the primary responsibility for providing a budget and releasing the respective funds rests with the Government of National Unity.

The redeployment of the Sudanese Armed Forces and the southern military police forces out of the Abyei area is almost complete. The Joint Integrated Units (JIUs) have almost completed their deployment, but they still struggle to be truly joint and integrated. That will take time. Meanwhile, the JIUs remain desperately short of vital communications and transport equipment without which their effectiveness will remain very limited. The Joint Integrated Police Units are not fully deployed and have yet to deploy out of Abyei town. It is hoped that the arbitration award of the Permanent Court of Arbitration, expected in July or later this year, will be accepted in good faith by both parties. Failure

here can expose the CPA to grave danger. Agreements with regard to the impact of implementing the arbitration decision on the local populations will be crucial, and UNMIS will be ready to assist the reaching of such understandings.

Related to that is continuing concern about free access in Sector VI. As of now, UNMIS has free access only in the Abyei Road Map area. It is denied access to the areas north of the Road Map area, which makes up two thirds of the Sector VI area. That blinds the Mission with respect to movements of armed forces and impedes its ability to monitor the ceasefire arrangements and respond to situations that may develop into serious clashes, as indeed happened last May. It is hoped that those and other restrictions on UNMIS will be lifted by the authorities in both the North and South.

Finally, in Southern Kordofan, some positive developments can be discerned, including progress with the integration of the areas former SPLM-controlled areas into the State administration. Local authorities have stated that the security situation and intertribal relations within the State have improved. At the same time, however, the abundance of arms, local dissatisfaction with the lack of a peace dividend and fluid tribal and political affiliations does make this area prone to conflict. Recurrent low-scale conflicts are of concern in light of the sizeable presence of troops of both parties in or near the State. DDR and the provision of a palpable peace dividend are essential inputs to stabilizing the security situation and strengthening the structures of peace in all the Three Areas.

The DDR process is set to commence in earnest on 10 February with a pilot project in Blue Nile State, followed by the launch of the operation in Southern Kordofan, in line with the jointly agreed "Three Areas first" approach. As capacities increase and funding becomes available, DDR operations will spread through the entire country. The DDR process enjoys strong support from both the Government of National Unity and the Government of Southern Sudan. Once it develops momentum, it can encourage the parties to move more effectively on other aspects of the peace process, including redeployment and proportional downsizing of forces in accordance with the CPA. Accordingly, it also facilitates local stability and conflict management, especially in the Three Areas. More than 50,000 ex-combatants have been preregistered. Should DDR falter, their expectations would be disappointed and their reactions could further complicate the security situation.

The North and South Governments, through the Governments of National Unity and Southern Sudan, have allocated a total of $45 million for DDR, but the estimated overall costs are high: $430 million for reintegration and $200 million for demobilization. Moreover, demobilization cannot possibly go ahead without funding for the reintegration process, which will depend on donor contributions for that process. The leadership shown by Japan in contributing $17 million is much appreciated. A round-table conference is scheduled in Juba for 12 February, at which a firm political commitment by donor countries to providing the estimated $80 million for 2009 is expected.

In that regard, I would like to reiterate that DDR is an important precondition for peacebuilding and development across the Sudan. Equally, it must be frankly stated that the success of DDR, like that of other CPA benchmarks, including redeployment and the development of JIUs, is and will remain dependent on the degree and quality of the commitment of the two parties to discussing outstanding issues and taking difficult but necessary decisions for their solution.

The United Nations efforts are increasingly focused on the transition from humanitarian assistance to early recovery and development. However, despite the international community's 2009 Sudan Work Plan, projected budget cuts by the Government of Southern Sudan and other factors have increased the need for humanitarian assistance in the South. In addition to public salary cuts, the Government of Southern Sudan has shelved plans to take over basic services currently provided by international non-governmental organizations and United Nations agencies. That external support currently amounts to 80 per cent of the South's safety net, including health care and clean water. Increased returns ahead of elections and referendums in South Sudan and in Abyei will create additional basic services requirements. To maintain that level of support, continued financial assistance by the international community is indispensable.

The Sudan is a large and complex country. Since its independence in 1956, the Sudanese people have suffered two civil wars between the North and the South, a civil war in the East and an ongoing and

possibly intensifying conflict in the West. Darfur and East Sudan are politically part of North Sudan. The humanitarian cost of the strife in the Sudan has been enormous. Memories are bitter. Mutual trust and confidence are lacking in the required degree. The political and institutional infrastructure is still a work in progress. The country has two Governments and two armies. Neither a vote for unity nor separation in the referendum can bring an end to conflict and suffering unless the essential blocks of peace are in place. If unity is to be made attractive, the meaning of the term will need to be elaborated and agreed upon in terms of constitutional arrangements. All that will require a much improved ability and willingness of the parties to gain each other's trust and work together for mutual gain. That will be a daunting task, but, given the alternatives, it is an absolutely necessary one.

It is in that context that the impact of a decision by the International Criminal Court on the CPA and the Darfur situation will need to be discussed. The purpose of the CPA is the building and keeping of peace and security in the Sudan, without which no justice for its people will be possible. Towards that end, it is incumbent upon the Sudanese parties and leadership, as well as the international community, to remain focused on ensuring the full implementation of the CPA.

In its deliberations on that issue, the Security Council may also wish to consider potential threats to the ongoing functions of UNMIS and the African Union-United Nations Hybrid Operation in Darfur in the Sudan and the security of its personnel. We have received assurances of protection and cooperation from Sudanese authorities at the highest levels, but those assurances have been qualified by warnings about public outrage. There have also been public threats and incitements to violence. The United Nations has made the necessary contingency plans and kept the Sudanese authorities informed. Political and security circumstances permitting, the United Nations is committed to continuing its work in accordance with the mandate entrusted to it by the Security Council.

In conclusion, the CPA remains fundamental to peace in the Sudan. The remainder of the interim period will require determination and joint efforts by all concerned. The Sudan's parties and leaders and, indeed, the international community, will be judged by the people of the Sudan on whether or not they deliver peace to them. In that regard, I also appeal to the donor community to continue its invaluable support to the people of the Sudan at this critical juncture. There is little time and there is much to do.

The President: I thank Mr. Qazi for his very comprehensive briefing.

In accordance with the understanding reached in the Council's prior consultations, I now invite Council members to informal consultations to continue our discussion of the subject.

The meeting rose at 10.25 a.m.